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PENN'S TREATY WITH THE INDIANS.

DID IT TAKE PLACE IN 1682 OR 1683?

BY FREDERICK D. STONE.

No event in Pennsylvania history possesses more interest at the present time than Penn's treaty with the Indians. The far-reaching influence that the policy then adopted had on the welfare of the colony; the record of the faithfulness with which the promises then made were kept, honorable alike both to the red man and to the white; the prominence with which it stands out at the end of two centuries, as a precedent, that justice and humanity are the most important factors on which to build a friendship with the natives, show it to be a monument, more lasting than any made with hands, to the wisdom and benevolence of those who conceived it, and one to which every citizen of the commonwealth can point with pride. And yet while the traditions connected with this event are cherished with affection, while the sentiments and principles to which it owes its origin are preserved by the followers of Penn, and are struggling for recognition in the administration of Indian affairs of to-day, a skepticism has grown up which questions if such an event ever occurred. To any one who is acquainted with the carelessness to which the archives of this State have been exposed, this is not surprising; nor is it remarkable that a mistaken zeal, in endeavoring to defend *The Treaty*, should in the absence of documentary evidence have claimed for it more than actually took place, and sought refuge in theories that cannot be substantiated.

We believe that to the mistakes thus made every reasonable doubt regarding *The Treaty* owes its origin, and, if we banish from our minds all preconceived theories, enough evidence will be found to prove that just such a treaty as the early traditions point to was held, as well as to show the time of its occurrence.

The deep interest which Penn took in the welfare of the Indians previous to his coming to America is well known. The measures which are to be found for the preservation of their rights in the paper called "Conditions and Concessions," together with the several letters sent them on different occasions assuring them of his desire to live in peace with them, attest this fact. The first land purchased from them for Penn was acquired before he arrived, by Governor Markham, on July 15th, 1682. The second purchase was made at a treaty held on June 23d, and the third on June 25th and July 14th, 1683. It is undoubtedly one of these of which Penn gives a full account in his letter to the Free Society of Traders, dated August 16th of the same year. We believe it to have been the former, as the deeds then executed show a greater number of chiefs to have been present than at the subsequent ones, as well as from a passage in the letter of August 16th, of which we shall speak hereafter (see p. 234). After having described the purchase of land, Penn writes:—

"When the Purchase was agreed, great Promises passed between us, of Kindness and good Neighbourhood, and that the Indians and English must live in Love as long as the Sun gave Light: Which done, another made a Speech to the Indians, in the name of all the Sachamakan, or Kings, first to tell them what was done; next, to charge and command them To love the Christians, and particularly live in peace with me, and the People under my Government: That many Governors had been in the River, but that no Governor had come himself to live and stay here before; and having now such an one that had treated them well, they should never do him or his any wrong. At every sentence of which they shouted, and said, Amen, in their way."¹

We believe that the treaty thus described is the one which has attracted such universal attention, and which it has been supposed was held in 1682. Penn's account of what took place accords in spirit with everything which early

¹ Penn's Letter to the Free Society of Traders, *London*, 1683, p. 7. See, also, Proud's History of Pa., vol. i. pp. 246 to 264. The letter is printed in full by Proud, but the reader must not allow himself to be misled by the punctuation adopted by Proud. By introducing quotation marks he has in some cases implied that Penn followed original documents. The quotation marks around the Indian language are not to be found in the London edition or in the original draft of the letter.

tradition claims marked the character of *The Treaty*. Nor do we think such statements as speak of *The Treaty* being held soon after Penn arrived, inconsistent with the fact that the treaty described took place in June or July 1683.

The first person to say that a treaty was held "as soon as Mr. Penn arrived" was Oldmixon, in 1708, and after doing so he uses the passage we have quoted from Penn's letter of Aug. 16th, which refers to the treaties of 1683. Other early statements are even more general in their character than that of Oldmixon. The time which elapsed between Penn's arrival in Nov. 1682 and the treaties of 1683 is not so great as to preclude one of them from being that alluded to in these general statements. That such was the case seems to us certain when we find that there is no direct evidence that any treaty was held between Markham's treaty of 1682 and June 1683, and find positive proof that at one of the treaties of 1683 great promises of friendship were made. We are aware, however, that a contrary opinion is widely entertained, and that it has been frequently stated that *The Treaty* was held in the latter part of November, 1682, and that it was a treaty of friendship only, while others contend that no such treaty was ever held.

Before going more fully into the subject we will endeavor to show how such widely different views became possible. Down to the early part of the present century no attempt had been made to investigate the subject with special care. Tradition and facts which could not be overlooked had preserved the information that Penn, soon after his arrival, had, at the time he purchased land from the Indians, made a treaty of friendship with them which resulted in an uninterrupted peace of seventy years. We do not hesitate to state that during the 18th and a portion of the 19th centuries, this was the tradition. West's picture of *The Treaty*, painted after the middle of the last century, points to this; and Clarkson, in his life of Penn published in 1813, giving an elaborate account of *The Treaty* from information furnished by West, says that at this meeting Penn paid the

Indians for their land and made a treaty of friendship with them. We do not wish to be understood as quoting West's picture or Clarkson's *Life of Penn* as authorities of value except in showing what the general opinion was at the time they were produced, the accuracy of neither of them being for some time questioned. As it was known that *The Treaty* took place soon after Penn's arrival, it was but natural that, as interest in the event grew, the idea should have suggested itself that it occurred in 1682, the year he landed. Proud, the historian of Pennsylvania, who wrote in 1797, makes this statement, but in connection with it commits so grievous an error as to show that on this point his information was far from perfect. This statement remained unquestioned until the publication of documents which showed that no treaty of purchase was held between that by Markham (July 1682), before Penn landed, and that of June 1683.¹ To account for this discrepancy it was then suggested that *The Treaty* was one of amity and friendship only, of which no record would necessarily exist;² and skepticism, seeing on what slight grounds the theory was based, scouted it, rushed to the other extreme, and questioned if a treaty specially marked by terms of friendship was then held, which thought has since grown into a general doubt if such a treaty ever occurred.

In support of the theory of a treaty of friendship only, Messrs. Peter S. Duponceau and Joshua Francis Fisher presented a report to the Historical Society of Pennsylvania in 1834, which is printed in Vol. III. Part II. of its *Memoirs*. The paper contains nearly all we now have on the subject. Nevertheless, we cannot agree with the conclusions which are arrived at, that a treaty of friendship alone was held in the latter part of Nov. 1682, and will proceed to examine their arguments.

Messrs. Duponceau and Fisher, after showing that from existing documents it was evident a treaty of friendship with the Indians was a measure which would be in unison with Penn's

¹ The Indian deeds were, we believe, first printed in Smith's *Laws* in 1810.

² This idea seems to have been first promulgated by Gordon in his *History of Pennsylvania* in 1829. See *Hist. of Pa.* 602-604.

feelings, and that it was undoubtedly his intention to hold one as soon as he should come to America, examine his letter to the Free Society of Traders. The passage in it which reads—

“I have had occasion to be in council with them upon treaties for land and to adjust the terms of trade,”

is construed to mean that treaties for land were held at one time, and for the adjustment of terms of trade at another, the plural use of the word treaty showing that more than one meeting had taken place. The treaty which Penn describes in this letter is not considered by them, as it was one of purchase, and the emphatic language which we have quoted on page 218, speaking of the promises of friendship which were then made, is dismissed as having “been a kind of *protocol* used on similar occasions, as may be found in many of the modern treaties in Europe as well as in this country.”

Now there is not the least doubt that prior to the date of this letter (Aug. 16, 1683), Penn had had more than one meeting with the Indians. The Indian deeds show that his first purchase was made on June 23d and his second on June 25th and July 14, 1683. Penn, in a letter to Henry Savelle written on 30th of July, says, “I have made two purchases of” the Indians. There is nothing in his letter to the Free Society of Traders to show that the business conducted at either of these treaties was confined solely to purchase or amity, and there is a positive statement that at one at least both subjects were considered. There is nothing in Penn's language to show that the pledges of friendship made were of the character of a *protocol*. The promises were positive and definite, and were accepted by the Indians at the time.

The next writer whom Messrs. Duponceau and Fisher call to their support is Oldmixon, the author of the *British Empire in America*, a work in two volumes published in London in 1708. Oldmixon received a portion of his information from Penn, whom he knew personally. He says:—

“As soon as Mr. Penn arrived he entered upon Treaties with the Indian Kings to buy land.”¹

¹ Vol. i. pp. 166–7.

He then gives an extended extract from Penn's letter to the Free Society of Traders describing the Indians and how the treaties were held, including the extract from the letter we have already quoted in reference to the pledges of friendship, all of which took place in 1683. Further on, Oldmixon says:—

“Mr. *Pen* stay'd in *Pensylvania* two years, and would not then have remov'd to *England* had not the Persecution against the Dissenters rag'd so violently, that he could not think of enjoying Peace in *America* while his Brethren in *England* were so cruelly dealt with in *Europe*. He knew he had an Interest in the Court of *England* and was willing to employ it for the Safety, Ease, and Welfare of his Friends; so having made a League of Amity with 19 *Indian* Nations, between them and all the *English* in *America* having established good Laws, and seen his capital so well inhabited that there were near 300 Houses, and 2500 Souls in it, besides 20 other Townships, he return'd to *England*.”¹

From this it is argued that a contemporary of Penn says that he at one time held treaties for purchase with the Indians and at another made a league of amity with them. Now we think, in the first place, that, if this had been so, Oldmixon would not have passed the latter treaty by with a bare allusion to it, and have given so much space to the one of purchase, nor would Penn have failed to inform him of the remarkable character of the treaty which it is claimed had been held. In the passage in which Oldmixon says that Penn made a league of amity with the Indians, he makes no less than two mistakes. He says that Penn returned to England on account of the persecution of the Dissenters, whereas he returned to prosecute his suit against Lord Baltimore. Again, he says that the League of Amity with the Indians was with them and all the English in *America*. Now, certainly Penn had no authority to make any treaty with the Indians touching their conduct towards the English outside of *Pennsylvania*.

In the passage in which he speaks of the treaties of purchase he says they were made as soon as Penn arrived, while we know that they were not made until June and July 1683.

¹ Vol. i. p. 171.

Now, is it, let us ask, safe to put a strict interpretation on the language of a writer whose statements are as loose as we have shown Oldmixon's to be, and to pick out one which is at least questionable, to support a special case? If it is thought that he is so exact a writer, then the order in which events are mentioned (when not dated) should be taken as the chronological order of their occurrence, and this would make the treaty of 1683 come before the supposed one of 1682. But as we read Oldmixon we believe the latter passage to be a mere general recapitulation of what had gone before.

The next writer whom Messrs. Duponceau and Fisher consider is Proud the historian. In the first volume of his work (p. 211) he prints a letter of William Penn dated Chester 12mo. 1682, which date according to *new style* would be February 12th 1683. Proud then writes:—

“The Proprietary, being now returned from Maryland to Coaquannock, the place so called by the Indians, where Philadelphia now stands, began to purchase land of the Natives; whom he treated with great justice and sincere kindness, in all his dealings and communications with them; ever giving them full satisfaction for all their lands &c., and the best advice for their real happiness; of which their future conduct showed they were very sensible; and the country afterwards reaped the benefit of it.

It was at this time, (1682), when he first entered personally into that lasting friendship with the Indians, which ever afterwards continued between them.”

From this language Messrs. Duponceau and Fisher understood Proud to mean that soon after February, 1683, Penn began to purchase land of the Indians, and that in 1682 he first entered personally into a lasting friendship with them. But Penn returned from Maryland in December, 1682, and it is perfectly clear that Proud's intention was to state that his intercourse with the Indians was then begun, and not at the time the letter was dated; the date 1682, given in brackets, fixing the time for all that is mentioned on the subject. The letter of February, 1683, has nothing to do with the Indians. It is interpolated in the midst of events which happened in 1682, as is shown by the marginal references. Messrs. Duponceau and Fisher appear to have fallen into an error by supposing that Proud had brought his nar-

rative of events down to the date of the letter in that part of his history in which it appears, but such is not the case, as an examination of his work will show. The entire chapter in which the letter is given treats of the year 1682. Proud's statement, however, on this subject is greatly at fault whichever way he is read, as Penn personally made no purchase of land of the Indians until June 23d, 1683.

We have now carefully examined all the evidence which Messrs. Duponceau and Fisher give to prove that a treaty of friendship only was held prior to and unconnected with those for the purchase of land. We have endeavored to show on what unsatisfactory grounds these claims are advanced. Of our success the reader must judge. There is nothing else in the report bearing upon the subject. The detailed statement of Clarkson is dismissed, as it deserves to be, as wanting in authority. The passages quoted from various Indian Conferences show only that soon after Penn arrived he made a treaty with the Indians. There is nothing in any of them which fixes the date, and we believe the allusions to be quite as applicable to the treaty of 1683 as to the supposed treaty of the previous year.

The language used at these Conferences, however, together with the description of a treaty given in Penn's letter to the Free Society of Traders, is a conclusive answer to all doubts that have been raised as to whether a treaty, marked by special terms of friendship, was ever held.

In 1701 William Penn met the Susquehanna Indians to obtain from them a confirmation of the purchase of land made for him by Governor Dongan of New York. The preliminary article of the agreement with them reads:—

“That as hitherto there hath always been a good understanding & Neighbourhood between the sd. Wm. Penn & his Lts. since his first arrival in the said Province, and the Several Nations of Indians inhabiting in and about the same, So there shall be forever hereafter a firm and lasting peace Continued” &c. &c.

In the same year Penn, in answer to complaints made against his proceedings in Pennsylvania, wrote:—

¹ Col. Records, vol. ii. p. 15.

"My profit by the Indians was never sixpence ; but my known perpetual bounties to them have cost me many hundreds of pounds, if not some thousands, first and last."¹

In August 1706, when Governor Evans met the Indians, James Logan, Secretary of the Council, said that in the October previous he had delivered a message to the Indians at Conestoga, and had said:—

"That Governour W. Penn, since first he came into this Countrey, with all those under him, had always inviolably maintain'd a perfect Friendship with all the natives of this Country, that he found possess'd of it at his first arrival.

That when he was last in the Country he visited those of that place, [Conestoga] and his son upon his arrival did the same, in order to cultivate the ancient friendship between ym."²

In July 1712 the Provincial Council met the Indians, and the Indian speaker said:—

"That the Proprietor Govr. Penn, had at his first coming amongst them made an agreement with them that they should always Live as friends & Brothers, and be as one Body, one heart one mind and as one Eye & Ear; that what the one saw the other should see, and what the one heard the other should hear, and that there should be nothing but Love & friendship between them & us forever."³

In June 1715 Governor Gookin in a speech to the Indians said:—

"He was glad to see them retain so strong a sense of that firm Peace, that was settled between Willm. Penn, the founder & Chief Govr. of this Countrey at his first Coming into it, in behalf of himself, and all his People with them & all theirs ; that they were sensible we had always preserved it unviolated on our side & were glad we had reason to say they had done the same on theirs."⁴

Sasoonan a chief in reply said:—

"To prevent any misunderstanding, they now come to renew the former bond of friendship that William Penn had, at his first coming, made a clear and open road all the way to the Indians (by this meaning a friendly communication) that they desired the same might be kept open & that all obstructions should be removed, of wch. on their side they will take care."⁵

¹ Penn Logan Correspondence, vol. i. p. 27.

² Col. Records, vol. ii. p. 244.

³ Ibid. 553.

⁴ Ibid. 599.

⁵ Ibid.

In September 1715 Soteyote an Indian Chief told the Council:—

“That they were very well pleased to find that the Indians who were here in summer, had shown themselves so mindful of former treaties & agreements that were made with Willm. Penn, at his first arrival; that their old men were generally gone off the stage & they a younger Generation were come into their place; that they on their parts should ever desire to live in the same Peace & friendship with us that their fathers had done.”¹

In July 1720 James Logan met the Indians at Conestoga. Their speaker told them:—

“That when Governor Penn first held Councils with them, he promised them so much Love and Friendship that he would not call them Brothers, because Brothers might differ, nor Children, because these might offend and require Correction, but he would reckon them as one Body, one Blood, one Heart, and one Head; That they always remembered this, and should on their parts act accordingly; that few of the old men who were at those councils were living.”²

In reply Logan said the chain of friendship between the followers of Penn and the Indians had “been made near forty years agoe,”³ and Logan’s connection with Indian affairs was then of twenty years’ standing.

The same year Governor Keith wrote to the Five Nations:—

“When Governour Penn first settled this Country, he made it his Chief Care to cultivate a strict Alliance and Friendship with all the Indians, and condescended so far as to purchase his Lands from them, but when he came to treat with the Indians settled upon the River Sasquehannah, finding that they accounted themselves a Branch of the Mingoes or Five Nations, he prevailed with Colonel Dongan, then Governour of New York, to treat with those Nations in his behalf . . . which Colonel Dongan did accordingly.

Upon Governour Penn’s last arrival here, about twenty years agoe, he held a Treaty with the Mingoes or Conestogoe Indians settled on Sasquehannah, and their Chiefs, did then not only acknowledge the Sale of those Lands made to Colonel Dongan as above, but as much as in them lay did also renew and confirm the same to Governour Penn.”⁴

On the 14th of March 1721–2 James Logan and Colonel John French met the Indians at Conestoga. Logan then said:—

¹ Col. Records, vol. iii. p. 607.

² Ibid. 93.

³ Ibid. 95.

⁴ Ibid. 101.

"William Penn, our and your Father, when he first settled this country with English Subjects, made a firm League of Friendship and Brotherhood with all the Indians then in these parts and agreed that both you and his People should be all as one Flesh and Blood."¹

On the same occasion a message was sent to the "Sennekaes," beginning:—

"William Penn made a firm Peace and League with the Indians in these parts near forty years ago which league has often been repeated and never broken."

Early in April 1722 Gov. Keith met the Indians at Conestoga. On that occasion the Chief Captain Civility said:—

"That when the Proprietor William Penn came into this country Forty Years ago he got some Persons at New York to purchase the Lands on the Susquehannah from the Five Nations who pretended a Right to them, having conquered the people formerly settled there; and that when William Penn came from New York he sent for them to hold a Council with him at Philadelphia."

An account of the treaty was then given and Civility showed Governor Keith a "parchment" which William Penn had given them on that occasion, "which contained Articles and Agreements made between the Proprietary and them and confirmed the sale of lands made by the Five Nations to the Proprietary."²

In May 1728 Governor Gordon held a conference with the Indians, and in addressing them used language similar to that of Logan and Keith, and in addition said:—

"Your Leagues with your Father William Penn & with his Governours are in Writing on Record that our Children & our Childrens Children may have them in everlasting Remembrance. And we know that you preserve the memory of those things amongst you by telling them to your Children, & they again to the next Generation, so that they remain stamp'd on your Minds never to be forgot. The Chief Heads or Strongest Links of this Chain I find are these nine."³

¹ Col. Records, vol. iii. p. 149.

² The account of what transpired at this meeting will be found in Enquiry into the Cause of the Alienation of the Delaware and Shawanese Indians. *London*, 1760, pp. 8 and 9. A blank is left on the record of the Provincial Council where the minute should be given; see Col. Records, vol. iii. p. 161.

³ Col. Records, vol. iii. p. 310.

And he read an agreement of which we will speak hereafter.

Many other expressions such as we have given are to be found in the records of the Indian conferences, and all point to the undeniable fact, that the long friendship which existed between the Indians and English in Pennsylvania had its origin in promises which were made soon after Penn arrived. It has been argued that these expressions may refer to the treaty of 1701. This treaty seems to have been a very formal affair, and certainly it was a most important one. We do not doubt that tradition has in some measure confounded what was done at it with the earlier treaty which Penn's letter of August 16th, 1683, tells us had been held. But the preliminary articles of the treaty of 1701 speak of the friendship which had existed since Penn's first arrival, and the language of Logan, Civility, and Keith, used between 1720 and 1722, that Penn had made a league of amity with the Indians about forty years before, together with the reiterated statement of others that it was made soon after he first arrived, is too strong to be disregarded. Were it not for the fact that we have the best reason for believing that Penn did not meet the Indians until 1683, we would accept the statement made at these conferences as conclusive evidence that a treaty of friendship was held in 1682. Captain Civility's assertion that the treaty was held forty years before 1722 is certainly remarkable, but it will be noticed that his language couples it with a purchase of land, while no land was bought by Penn personally until 1683, and the Susquehanna land of which Civility spoke was not acquired until 1701. We are inclined to think that Captain Civility's information regarding the time which had elapsed was gathered from the more guarded language of Logan, used on a previous occasion, that it was "*near* forty years ago," rather than from any authority in his own possession. Forty years seems to have been a favorite length of time with the Indians in speaking of their dealings with Penn. The Chief of the Five Nations told Governor Gordon that—

"Governour Penn when he first came into this Province, took all the Indians of it by the hand, he embraced them as his Friends & Brethren &

made a firm League of Friendship with them ; he bound it as with a Chain that was never to be broken ; he took none of their lands without purchasing and paying for them, & knowing the Five Nations claimed the Lands on the Sasquehannah he engaged Colonel Dongan, Governor of New York, *about forty years since* to purchase their right in his behalf, which Colonel Dongan did."¹

This speech was made in 1727, but the agreement between Penn and Dongan was made in 1683.

Some may argue from these repeated utterances that "Penn's Treaty" or the "League of Amity" was a myth, having its origin in promises of friendship made on various occasions and referred to at succeeding meetings until the idea was developed that they sprang from some agreement entered into between the English and the Indians at their first meeting ; that this belief was strengthened by the faithfulness with which these pledges were performed until at last an *Ideal Treaty* became surrounded

"With all that fancy adds and fiction lends."

To this it can be answered that such promises must have had a beginning, and that when we find in Penn's letter to the Free Society of Traders a description of a treaty, which we have every reason to believe was the first he held with the Indians, that pledges of friendship were then exchanged and kept with a faithfulness which was unprecedented, enough has been preserved to warrant all the honor that has been done the event. It is true that he did not then purchase the whole of his province from the natives as has been represented. It was the first of a succession of purchases which as long as they were prosecuted in the same spirit preserved the peace of the colony. That this policy should not have attracted universal attention while in its incipient state is not surprising. Nothing is more difficult than to trace the origin of truly great events, and we have as much regarding the beginning of Penn's intercourse with the Indians as it is reasonable to suppose would have been preserved. That the "League of Amity" should have played a more important part in Indian Affairs after the treaty of 1701, is in perfect keeping

¹ Col. Records, vol. iii. p. 273.

with the nature of things. The principles on which that treaty was made were those which had inspired Penn's dealings with the Indians from the first, and, as each succeeding year showed the wisdom of the policy, it was but natural that it should have been spoken of with reverence and affection.

It is generally supposed that no record was preserved of what was done at Penn's first Treaty, that its agreements were not reduced to writing. If as we believe *The Treaty* was that held in June, 1683, we certainly have no copy of any formal agreements except such as relate to the sale of land. We do not think, however, that it is quite safe to presume that a document giving the rules that should regulate the intercourse between Penn's settlers and the Indians was never executed or that the Indians never received a copy of it. The heads of a treaty of amity which Gov. Gordon read to the Indians in 1723, have been supposed to be those agreed upon at Penn's first treaty, but we think there can be no doubt that they were drawn from the treaty of 1701. Gordon said on that occasion that all information regarding treaties was handed down orally by the Indians from one generation to another, and this custom is confirmed by Indian testimony. Nevertheless, in 1720 Captain Civility asked in behalf of the Ganawese, who had but lately come into the Province:—

"That they have no writing to show their League of Friendship as the others have and therefore desire they may be favored with one,"¹

which shows that the custom was not uniform.

The 13th article of the paper known as "Conditions and Concessions," which was signed in England, provides with other things that:—

" . . . If any Indian shall abuse, in Word or Deed, any planter of this province, that he shall not be his own Judge upon the Indian, but he shall make his complaint to the Governor of the province, or his Lieutenant or Deputy, or some inferior magistrate near him, who shall, to the utmost of his power, take care with the king of the said Indian, that all reasonable Satisfaction be made to the said injured planter."²

The minutes of the Provincial Council of 16th of November, 1685, read:—

¹ Col. Records, vol. iii. p. 94.

² Ibid. vol. i. p. 28.

"The Complaint of ye friends, Inhabitants of Concord and Hertford against the Indians, for ye Rapine and Destructions of their hoggs was Read :—

Ordered that ye Respective Indian Kings be sent for to ye Councill with all speed, to answer their Complaint."¹

The minutes of the same body for 13th of May, 1686, read :—

"The Request of Jno. Smith and Henry Painter, Inhabitants of Southampton Township, was Read, Requesting this board to heare their Complaint agt ye Indians who had Killed severall of their Swine.

This Councill Called them in, and Ordered them to give their Complaint in Writing to ye Secretary, & mention ye names of ye Indians yt they knew, or did Imagine did ye fact, and then ye Councill would take all possible Care to Redress them by Law; and further, Ordered yt ye Respective Kings might be sent to by some proper Messenger to make satisfaction."²

There is nothing to show when the 13th article of this paper was agreed to by the Indians, but its provisions were certainly in usage as late as 1686.

The 14th article provides :—

"That all differences between the Planters and the natives shall also be ended by Twelve men, that is, by Six planters and Six natives."³

Penn in his letter to the Free Society of Traders, after mentioning the promises of friendship that were made at the treaty, writes :—

"We have agreed, that, in all differences between us, six of each side shall end the matter."⁴

It is, therefore, almost certain that the 14th article of "Conditions and Concessions" was agreed upon at the Treaty of 1683, and, in the absence of any proof to the contrary, it is fair to suppose that the 13th was agreed upon at the same time. It is hardly possible to think that a code of this character should not have been recorded, and it is a fact that in 1685 Penn wrote of the Indians :—

"If any of them break our Laws, they submit to be punished by them; and this they have tyed themselves by an obligation under their hands."⁵

¹ Col. Records, vol. i. p. 162.

² Ibid. 180.

³ Ibid. 28.

⁴ Penn's Letter to Free Society, p. 7, *London Ed.* 1683. Proud's Hist. of Pa., vol. i. p. 259.

⁵ Further Account of Pennsylvania. London, 1685.

This may have referred to the agreement made with the Indians in 1684, that Rum should be sold to them if they would be content to be punished as the English were.¹ But in either case the language points to a written compact with the Indians of which we have no copy.

If there is not enough information on this point to form a satisfactory opinion, it certainly is not safe to say that Penn's first covenant was not reduced to writing or that the Indians had no copy of it.²

Having shown what excellent reasons there are for believing that the friendship between Penn and the Indians rested on promises made soon after his arrival, and how little there is to show that they were exchanged at a meeting held for the especial purpose in 1682, or that they were not recorded, and copies furnished the Indians, we will submit our reasons for thinking that this long and honorable relationship had its origin at that treaty which is described in Penn's letter to the Free Society of Traders.

In the first place, the letter pictures just such a treaty as agrees with the early tradition regarding it—a treaty of purchase at which promises of friendship were made.

2d. These promises accord in spirit with what we know it was the intention of Penn to do as soon as he should come to America. The thirteenth and fourteenth articles of "Conditions and Concessions" appear to have been accepted by the

¹ See Col. Records, vol. i. p. 105.

² In 1686 the Indians committed some depredations on the property of Nicholas Scull, and the Provincial Council appointed (*see* Col. Records, vol. i. p. 187) "Capt. Tho. Holmes, with ye assistance of Capt. Lace Cock, Zach. Whitpaine, and such others as Capt. Thomas Holmes shall approve off, forthwith to make Diligent Enquirie into ye truth hereoff, and if it Credibly appears that such Indians were Guilty as Reported, They be Required to make Speedy satisfaction. Wee Referring ye mannor and methods of treating ye Indians Concerned wth ye people they belong to, ye Conduct and Discretion of ye sd Capt. Holme, wth ye Concurrance and approbation of the nominated persons." The meaning of this passage is not perfectly clear, and it is possible that Capt. Holme and his coadjutors were appointed in accordance with the provisions of the 14th Article of "Conditions and Concessions."

Indians at that conference, and to have made it a treaty of importance in every sense of the word.

3d. We have no less than five of Penn's letters, written between the time of his arrival and March, 1683, treating of the settlement of his province, or extracts from them professing to give all of importance which they contain. The only allusion we find to the Indians is in Ford's "Vindication of William Penn," which contains the abstracts of two letters, the one from Chester, dated November 1st, the other from West River, Maryland, dated December 16th, 1682. The passage is from the former, and reads:—

"The Indians they saw; the men are strong and Tall, the Women Comely as some Gipsies are in England, the children very pretty; they all wear some clothes and some of them wear Broggs."¹

No mention is made in the latter of the treaty, which is said to have been held in November, 1682. Had such an event taken place, it is hardly likely that Penn, in giving a detailed account of what he had done, would have failed to mention it, or that the person who made the extracts from his letters should have overlooked it, and published the passage in the earlier letter.

4th. The first meeting between Penn and the Indians of which we have any record, took place in May, 1683,² and from what we know of it there is good reason to believe that no very cordial relationship then existed between them. At this time they either failed to understand his wish or refused to comply with it, and before the matter could be arranged Penn was obliged to go to New Castle to meet Lord Baltimore. When he met them in the summer following, he says that their speaker—

"First prayed me, to excuse them, that they had not complied with me, the last time, he feared there might be some fault in the Interpreter, being neither *Indian* nor *English*; besides, it was the *Indian* custom to deliberate, and take up much time, in council, before they resolve; and that, if

¹ See p. 180.

² See Penn's letter to Lords of Plantations, Proud, vol. i. p. 271. "I was then [May] in treaty with the kings of the natives for land."

the young people, and owners of the land had been as ready as he, I had not met with so much delay."¹

Now certainly if any "League of Friendship" had then existed, the delay would not have occurred.

5th. No sooner had the treaties of 1683 been held, than his letters are full of his impressions of, and dealings with, the Indians.

On July 24th Penn wrote to Lord Keeper North:—

"I have also bought lands of the natives, treated them largely, and settled a firm and advantageous correspondency with them; who are a careless, merry people, and yet in property strict with us, though as kind as , among themselves; in counsel so deliberate, in speech short, grave, and eloquent, young and old in their several class, that I have never seen in Europe anything more wise, cautious, and dexterous; 'tis as admirable to me as it may look incredible on that side of the water."²

Four days afterwards he wrote to the Earl of Sunderland:—

"For the people; they are Savage to us, in their Persons, & furniture; all y^t is rude; but they have great shape, strength, agility; & in Council (for they (tho in a kind of Community among themselves) observe property & Governm^t) grave, speak seldom, inter spaces of silence, short, elegant, fervent, the old sitt in a halfmoon upon the Ground, the middle aged in a like figure at a little distance behind them, & the young fry in the same manner behind them. None speak but the aged, they having Consulted the rest before; thus in selling me their land they order'd themselves; I must say, y^t their obscurity consider'd, wanting tradition, example, & instruction, they are an extraordinary people, had not the Dutch, Sweeds, and English learn'd them drunkenness (in w^{ch} condition, they kill or burn one another) they had been very tractable, but Rum is so dear to them, y^t for 6 penny worth of Rum, one may buy y^t fur from them, y^t five shillings, in any other Commodity shall not purchase. Yet many of the old men, & some of y^e young people will not touch wth such spirits; & Because in those fitts they mischeif both themselves & our folks too, I have forbid to sell them any."³

¹ Penn's Letter to the Free Society, *London*, 1683, p. 7. See, also, Proud, vol. i. pp. 257-8. This passage immediately precedes the description of the treaty at which it is said land was purchased and promises of friendship were made. It shows that the treaty so described was the first at which Penn personally purchased land of the Indians, and the deeds of this purchase show it to have been made on June 23, 1683.

² Memoirs of Hist. Soc. of Pa., vol. i. p. 412 (2d ed.) p. 440.

³ Ibid., vol. ii. p. 246.

Two days afterwards he wrote to Henry Savelle :—

“The Natives are proper & shapely, very swift, their language lofty. They speak little, but fervently & with Elegancy, I have never seen more naturall sagacity, considering them wth out ye help I was going to say ye spoyle of tradition. The worst is that they are ye wors for ye Christians who have propagated their views and yeilded them tradition for ye wors & not for ye better things, they believe a Diety & Immortality without ye help of Metaphisicks & some of them admirably sober, though ye Dutch & Sweed and English have by Brandy and Rum almost Debaucht y^m all and when Drunk ye most wretched of spectacles, often burning & sometimes murdering one another, at which times ye Christians are not without danger as well as fear. Tho’ for gain they will run the hazard both of y^t and ye Law, they make their worshipp to consist of two parts, sacrifices w^h they offer of their first fruits with marvelous fervency and labour of body sweating as if in a bath, the other is their Canticoes as they call them w^{ch} is performed by round Dances, sometimes words, then songs, then shouts two being in ye midle y^t begin and direct ye chorus this they performe with equal fervency but great appearances of joy.

In this I admire them, nobody shall want w^t another has, yett they have propriety, but freely communicable, they want or care for little no Bills of Exchange, nor Bills of Lading, no Chancery suits nor Exchequer Acc^t have they to perplex themselves with, they are soon satisfied and their pleasure feeds them, I mean hunting & fishing I have made two purchases, and have had two presents of land from them.”¹

His letter to the Free Society of Traders is dated the 16th of the following month. The draft of it in an imperfect state, is in the Historical Society, and the interlineations and corrections show that considerable time was given to its preparation. Our space will not allow us to make a more extended extract from it than we have already done. His idea of the origin of the Indians is given in it, together with an account of their manners and customs, and, as we have said, a description of a treaty he had held with them, at which land was purchased and promises of friendship were made. The society to which it was addressed had purchased 20,000 acres of land from Penn, and was formed for the encouragement of emigration. The fullest account we have of the province is found in this letter. It might properly be called a report of what Penn personally found his country to be, and of all that he

¹ Pa. Archives, vol. i. p. 69.

had done up to the time it was written. It has been argued that, as we have but few of Penn's letters written immediately after his arrival in America, possibly the one describing the treaty, which tradition says he held as soon as he came here, is lost. With the letter to the Free Society before us such a supposition is untenable. The letter tells all that was done of importance from the 24th of October 1682, and the only treaties it mentions are those of June and July 1683. From a society whose object it was to populate his colony Penn surely would not have kept back the information that he had formed a friendly alliance with the Indians at a treaty held for the especial purpose.

On the evidence we have given we will rest our case.

There is certainly sufficient reason for believing that Penn formed a treaty with the Indians of which friendship was a part soon after he arrived. There is nothing of a contemporaneous nature to show that he met them in council until May, 1683, and almost conclusive proof that up to that time his intercourse with them was of a limited character. There is nothing to show that the business conducted at any early treaty was confined to cultivation of friendly relations and intercourse. The language used at the Indian Conferences between 1700 and 1728 does not, it is true, always speak of the "League of Amity" in connection with the purchase of land, neither does it inform us of the business that was transacted at the various meetings at which the League was renewed,—the omission in the one case being no more remarkable than it is in the others. Treaties certainly were held in June and July, 1683. Few there are, we believe, who will not agree with us that the language of Penn's letters written immediately after these events, is that of a man who had just received his first impressions of the Indians through a personal intercourse with them. The interest which Penn took in their welfare is manifest in every line he wrote at this time, and it is impossible to suppose that he would have remained silent so long had he met them at an earlier period. The importance of the agreement he had made with them was evident to his mind, and the hopes he built upon it are shown

in his self-satisfied language to Lord Keeper North, "I have also bought lands of the natives, treated them largely, and settled a firm and advantageous correspondence with them." That he should have delayed doing so for ten months after his arrival is not inexplicable. His time was at first fully taken up with the organization of his government, and in the journeys which he found it necessary to make to New York and Maryland. The division of his territory into counties and townships also occupied his mind, and it is doubtful if he had sufficient leisure for business with the Indians until the season was too far advanced.

When, therefore, we find from Indian Deeds that in June and July, 1683, Penn made two purchases of land from them; when in his letter to Henry Savelle, dated July 30th, he limits his purchases from the Indians up to that time to two in number, and on the 16th of the following month gives to the Free Society of Traders a long account of the Indians, describes a treaty he had held with them for the acquirement of land, and says that after "the purchase was agreed great promises passed between us of kindness and good neighborhood, and that the Indians and English must live in love as long as the sun gave light;" when we find that at this treaty one of the measures he had proposed in England for the regulation of the intercourse between the settlers and the Indians was agreed upon; when his letters to his friends show how much he valued what had been done, and how full his mind was of the subject,—is it not obvious that it was at this time the foundation of his friendship with the Indians was laid, that it was from this treaty that the Indians dated their League of Friendship?

The question naturally arises, At what place was this treaty held? and on this point it must be confessed the evidence is not convincing. A tradition which existed prior to the middle of the last century claims that it was held beneath the celebrated Elm which stood at Shackamaxon. This story has been so long told as to leave little doubt that that was the site of some important event in Indian history, and the only question which suggests itself is, could the first treaty have

been confounded with any other that was held on that spot? The fact that the latter part of the winter 1682-3 William Penn lived in the Fairman Mansion which stood near the Elm tree; that the description of the treaty, in his letter to the Earl of Sunderland, shows that it was held in the open air; that the Indian tradition related by Heckewelder is that when Penn met them he did so under a grove of shady trees; together with the statement of Benjamin Lay, who came to America in 1731, that the Elm was pointed out to him as marking the spot where Penn's treaty was held,¹—would go to show that the weight of evidence, slight as it is, is in favor of the tradition. There is nothing that can be brought against it but the charge that it *is* a tradition, and upon the whole we think that there is as much reason to believe that Penn's Treaty was held at Shackamaxon as that the Pilgrims first set foot on Plymouth Rock.

There are some who may feel that to thus connect the Treaty with a purchase of land and reduce its provisions to writing, is taking from its dignity and importance. But it must be remembered that it was the result of what was then done which excited the admiration of the world. The acquirement of land was but a part of the transaction. It was the principles of justice which were then laid down that bore such magnificent fruit; and we cannot but think that, if the records of this event are found to be preserved in the authentic sources we have drawn upon, it is far better than to allow them to rest on tradition and argument.

¹ See Memoir on the Locality of the Great Treaty between William Penn and the Indian Natives in 1682. By Roberts Vaux, *Memoirs of Historical Society of Pa.*, vol. i. p. 79 (2d ed.) p. 87.